

CLOSED

**U.S. District Court
Middle District of Florida (Ft. Myers)
CRIMINAL DOCKET FOR CASE #: 2:14-mj-01014-DNF All
Defendants**

Case title: USA v. Faiella

Date Filed: 01/27/2014

Date Terminated: 01/29/2014

Assigned to: Magistrate Judge
Douglas N. Frazier

Defendant (1)

Robert M. Faiella

TERMINATED: 01/29/2014

represented by **David Braun**

Braun, Cruz Law Group, PLLC
Suite 301

1601 N Palm Ave

Pembroke Pines, FL 33026

Email:

davidbraun@braunlawgroup.net

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Russell K. Rosenthal

Federal Public Defender's Office

Kress Building, Suite 301

1514 Broadway

Ft. Myers, FL 33901

239/334-0397

Fax: 239/461-2025

Email: russ_rosenthal@fd.org

TERMINATED: 01/29/2014

LEAD ATTORNEY

Pending Counts

None

Disposition

Highest Offense Level

(Opening)

None

Terminated Counts

None

Highest Offense Level
(Terminated)

None

Complaints

cmp complaint filed

Disposition

Disposition

Plaintiff

USA

represented by **David Lazarus**

US Attorney's Office - FLM
Room 3-137

2110 First Street

Ft Myers, FL 33901

239/461-2221

Email: david.lazarus2@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Tama Caldarone

US Attorney's Office - FLM
Room 3-137

2110 First Street

Ft Myers, FL 33901

239/461-2200

Fax: 239/461-2219

Email:

tama.koss.caldarone@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Yolande G. Viacava

US Attorney's Office - FLM
Room 3-137

2110 First Street
 Ft Myers, FL 33901
 239/461-2200
 Email:
 Yolande.Viacava@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/27/2014	<u>1</u>	Arrest (Rule 5(c)(2)) of Robert M. Faiella from Southrn District of New York on charges of Operating an Unlicensed Money Tansmitting Business (BJH) (Entered: 01/27/2014)
01/27/2014	2	NOTICE OF HEARING as to Robert M. Faiella: Initial Appearance - Rule 40 set for 1/27/2014 at 02:15 PM in Ft. Myers Courtroom 5 C before Magistrate Judge Douglas N. Frazier. (BJH) (Entered: 01/27/2014)
01/27/2014	3	***CJA 23 Financial Affidavit by Robert M. Faiella (BJH) (Entered: 01/27/2014)
01/27/2014	<u>4</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Robert M. Faiella Signed by Magistrate Judge Douglas N. Frazier on 1/27/2014. (BJH) (Entered: 01/27/2014)
01/27/2014	5	Minute Entry for proceedings held before Magistrate Judge Douglas N. Frazier: Initial Appearance in Rule 5(c)(3) Proceedings as to Robert M. Faiella held on 1/27/2014. Public Defender appointed. Government summarized charges and penalties. Government moves for detention based on risk of flight. Court will grant that motion and will set a detention hearing for January 29, 2014 at 2:00 p.m. (DIGITAL) (BJH) (Entered: 01/27/2014)
01/27/2014	6	NOTICE OF HEARING as to Robert M. Faiella: Detention Hearing set for 1/29/2014 at 02:00 AM in Ft. Myers Courtroom 5 C before Magistrate Judge Douglas N. Frazier. (BJH) (Entered: 01/27/2014)
01/27/2014	7	NOTICE OF HEARING as to Robert M. Faiella: Detention Hearing set for 1/29/2014 at 02:00 PM in Ft. Myers Courtroom 5 C before Magistrate Judge Douglas N. Frazier. (BJH) (Entered: 01/27/2014)
01/27/2014	<u>8</u>	NOTICE OF ATTORNEY APPEARANCE: Russell K. Rosenthal appearing for Robert M. Faiella (Rosenthal, Russell) (Entered: 01/27/2014)

		01/27/2014)
01/29/2014	<u>9</u>	Minute Entry for proceedings held before Magistrate Judge Douglas N. Frazier: Detention Hearing as to Robert M. Faiella held on 1/29/2014. Attorney David Braun appearing for the defendant. Government is seeking detention, based on risk and danger. The Court finds there are conditions that can be fashioned and will release the defendant on a \$250,000 unsecured bond and also an agreement to forfeit property in New Hampshire. The defendant will be released today with the caveat that the co-signers sign and return the bond within 10 days. The defendant is ordered removed to report to the Southern District of New York when notified to do so. Court Reporter: Martina Reporting Services (BJH) (Entered: 01/29/2014)
01/29/2014	<u>10</u>	Unsecured bond in amount of \$ \$250,000 also with agreement to forfeit property and CONDITIONS OF RELEASE Entered as to Robert M. Faiella, Signed by Magistrate Judge Douglas N. Frazier (BJH) (Entered: 01/29/2014)
01/29/2014	<u>11</u>	ORDER OF REMOVAL pursuant to Rule 5(c)(2) to District of Southern District of New York as to Robert M. Faiella. Paperwork emailed to Gilbert Quan, SDNY Signed by Magistrate Judge Douglas N. Frazier on 1/29/2014. (BJH) (Entered: 01/29/2014)
02/06/2014	<u>12</u>	Bond WITH SURETY SIGNATURES Entered as to Robert M. Faiella (BJH) (Entered: 02/06/2014)

PACER Service Center			
Transaction Receipt			
02/06/2014 15:05:42			
PACER Login:	us5070	Client Code:	
Description:	Docket Report	Search Criteria:	2:14-mj-01014-DNF
Billable Pages:	2	Cost:	0.20

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

VS.

CASE NO: 2:14-mj-1014-DNF

ROBERT M. FAIELLA,

**ORDER APPOINTING COUNSEL PURSUANT TO
THE CRIMINAL JUSTICE ACT**

This Court has determined that the above-named defendant is financially unable to obtain adequate representation in the above-styled case, and is otherwise qualified for appointment of counsel. Accordingly, the Court makes the following appointment pursuant to the Criminal Justice Act (18 U.S.C. § 3006A):

APPOINTMENT OF COUNSEL

- The Federal Public Defender is appointed as counsel for the Defendant.

TYPE OF APPOINTMENT

- Rule 5(c)(2)(A) or Rule 40 Proceedings in this District

DONE AND ORDERED at Fort Myers, Florida, this 27th day of January, 2014.



DOUGLAS N. FRAZIER
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION

UNITED STATES OF AMERICA

v.

Case No. 2:14-MJ-1014DNF

ROBERT M. FAIELLA

NOTICE OF APPEARANCE

The Office of the Federal Defender has been appointed by the Court to represent the Defendant, Robert M. Faiella, in the above-styled cause.

The Clerk is requested to enter the appearance of Russell K. Rosenthal, Assistant Federal Defender, as counsel for the Defendant pursuant to this appointment.

DONNA LEE ELM
FEDERAL DEFENDER

By: /s/Russell K. Rosenthal
Russell K. Rosenthal
Florida Bar No.319244
Assistant Federal Defender
1514 Broadway, Suite 301
Ft. Myers, Florida 33901
Telephone: 239-334-0397
Facsimile: 239-334-4109
E-Mail: russ_rosenthal@fd.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of January, 2014, the foregoing was electronically filed with the Clerk of Court and a copy will be sent electronically to David Lazarus, Assistant United States Attorney, 2110 First Street, Fort Myers, FL 33901.

/s/ Russell K. Rosenthal
Russell K. Rosenthal
Assistant Federal Defender

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION

UNITED STATES OF AMERICA

v.

ROBERT M. FAIELLA

Case No. 2:14-MJ-1014DNF

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The Clerk is requested to enter the appearance of Russell K. Rosenthal, Assistant Federal Defender, as counsel for the Defendant pursuant to this appointment.

DONNA LEE ELM
FEDERAL DEFENDER

By: /s/Russell K. Rosenthal
Russell K. Rosenthal
Florida Bar No. 319244
Assistant Federal Defender
1514 Broadway, Suite 301
Ft. Myers, Florida 33901
Telephone: 239-334-0397
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E-Mail: russ_rosenthal@fd.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of January, 2014, the foregoing was electronically filed with the Clerk of Court and a copy will be sent electronically to David Lazarus, Assistant United States Attorney, 2110 First Street, Fort Myers, FL 33901.

/s/ Russell K. Rosenthal
Russell K. Rosenthal
Assistant Federal Defender

SCHEDULE OF BENEFICIAL INTEREST

That I Ralph Faiella Jr. the undersigned being the Trustee of Padre Pio Realty Trust hereby declare that all property held under this Trust shall be for the following beneficiaries in such share as are designated in this schedule.

Geraldine M. Faiella

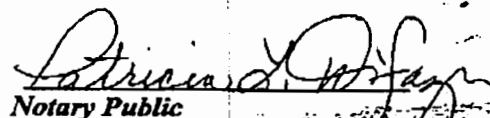
100%


Ralph Faiella Jr., Trustee

***STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.***

Then personally appeared the above named, Ralph Faiella Jr., Trustee, who declared this document to be his free act and deed.

Before me,


Notary Public

***PATRICIA L. D'AMICO, Notary Public
My Commission Expires January 7, 2009***



BK 4818 PG 2473

This is a non-contractual transaction which is exempt from tax pursuant to RSA 78-B; 21 X.

PROPERTY ADDRESS: 128 NEWTON ROAD, UNIT 38, PLAISTOW, NH

Witness my hand and seal this 20th day of July, 2007

Ralph Faiella, Jr.
Ralph Faiella, JR.

THE COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss

On this 20th day of July, 2007, before me, the undersigned notary public, personally appeared Ralph Faiella, Jr. proved to me through satisfactory evidence of identification, which were ALL DUNDY LORRIS to be the person whose name is signed on the preceding or attached document and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.

[Signature]
Notary Public

My Commission Expires: 9-17-10

MARIA C. ROGERS
NOTARY PUBLIC
STATE OF MASSACHUSETTS
MY COMMISSION EXPIRES SEPT. 17, 2010

PROPERTY ADDRESS: 128 NEWTON ROAD, UNIT 38, PLAISTOW, NH

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

UNITED STATES OF AMERICA

-vs-

ROBERT M FAIELLA

**Case No:2;14-mj-1014-DNF
Charging District Case No:
14MAG0164**

**FINDINGS AND ORDER ON REMOVAL PROCEEDINGS
PURSUANT TO RULE 5(c), FED.R.CRIM.P.**

The defendant, having been arrested and presented before me for removal proceedings pursuant to Rule 5(c), Federal Rules of Criminal Procedure, and having been informed of the rights specified in Rule 5 (c) thereof, and of the provisions of Rule 20, the following has occurred of record.

An Initial Appearance on the Rule 5(c) on the Complaint from the Southern District of New York was held on January 27, 2014 . The defendant has retained counsel. No Interpreter Required.

The defendant waived:

☒ Identity
☒ Defendant elects to have all hearings in the Charging District

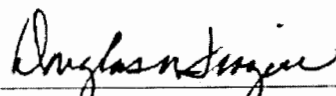
IT IS THEREFORE ORDERED that the defendant:

☐ Be held to answer in the district court in which the prosecution is pending.
☒ Released on Bond. Defendant to appear: ☒ Upon Notice ☐ Date and Time _____

COMMITMENT TO ANOTHER DISTRICT FOR DETAINED DEFENDANTS

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

DONE and ORDERED in Chambers in Fort Myers, Florida, this 29th day of January, 2014 .



DOUGLAS N. FRAZIER
UNITED STATES MAGISTRATE JUDGE

c: U. S. Marshal (3certified)

U.S. District Court for the District of Columbia

X
X

Report as directed by the Pretrial Services Office.

(Obtain no passport. Surrender by: _____)

ADDITIONAL CONDITIONS OF RELEASE

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, Pretrial Services Office, defense counsel and the U.S. Attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall next appear in the United States Courthouse and Federal Building in the Courtroom directed upon notice.

IT IS ORDERED that the release of the defendant is subject to the following conditions and provisions:

Robert Thiel
Surety: Ralph Thiel, Jr.

William Thiel
Surety

I/We declare under penalty of perjury that I/we are the sole owners of this property and that it is not subject to any claim, lien, mortgage, or other encumbrance except as disclosed above. I/We promise not to sell, mortgage, or otherwise encumber the property, or do anything to reduce its value while this Agreement to Forfeit Property is in effect.

Property in name of Robert Thiel, Jr.
Describe the cash or other property and any claim, lien, mortgage, or other encumbrance on it and attach:
(Agreement to Forfeit Property)
NO ODDS TO COMPLY

X

The defendant and any sureties executes this bond, binding the defendant sureties to pay the United States the sum of \$ 250,000.

Unsecured Financial Conditions
(Signature Bond)

9

In order to reasonably to assure the appearance of the defendant and the safety of other persons and the community, it is ORDERED that the release of the defendant is subject to this BOND and the CONDITIONS marked below. In the event of a failure to appear as required or to surrender as directed for service of any sentence imposed I/we jointly and severally agree to forfeit the following cash or other property to the United States of America if this defendant fails to appear as required for any court proceeding or for the service of any sentence imposed as may be noticed or ordered by any court, or fails to comply with any conditions of release set by the court considering this matter.

RELEASE BOND
AND
ORDER SETTING
CONDITIONS OF RELEASE

Robert Thiel

-X-

UNITED STATES OF AMERICA

CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Case No. 14-13373-JSR
FORT MYERS, FLORIDA

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

14 FEB -6 AM 11:15

FILED

- ☒ Maintain or actively seek verifiable employment
- ☒ Refrain from possessing a firearm, destructive device, or other dangerous weapon.
- ☒ Refrain from the excessive consumption of alcoholic beverages.
- ☒ Refrain from any use or unlawful possession of a narcotic drug or other controlled substances in 21 U.S.C. § 802, unless with prior written approval of the Pretrial Services Officer or as may be lawfully prescribed in writing by a licensed medical practitioner.
- ☒ Refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring if required as a condition of release.
- ☒ Report as soon as possible, to the Pretrial Services Office any contact with law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- ☒ Abide by the following restrictions on personal association, place of abode, or travel: Defendant is restricted in travel to Lee County and to and from only.

The defendant may also visit his/her attorney if outside this area, after notification to the Pretrial Services Officer. Other travel must be approved by pretrial services. **ANY TRAVEL OUTSIDE THE AREA SET FORTH ABOVE MUST BE SUBMITTED BY WRITTEN NOTIFICATION TO AND APPROVAL BY THE PRETRIAL SERVICES OFFICER AT LEAST THREE (3) DAYS PRIOR TO THE DATE UPON WHICH TRAVEL IS TO COMMENCE.** A courtesy copy of this notification shall be submitted to the Assistant U.S. Attorney.
- ☐ Submit to a mental health evaluation and/or psychiatric evaluation for medication management purposes including mental health counseling as directed by pretrial services.
- ☐ Participate in a program of inpatient or outpatient substance abuse testing, education or treatment if deemed advisable by Pretrial Services and pay a percentage of the fee as determined by Pretrial Services.
- ☒ Submit to any method of testing required by the Pretrial Services Office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.
- ☒ participate in one of the following home confinement program components and abide by all the requirements of the program which may include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by Pretrial Services.
- ☐ Electronic Monitoring, Pretrial services to determine the use of a land line or cellular monitoring unit
- ☒ **Home Detention:** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the Pretrial Services Office. *Must Be in wife's custody within 24 hours*
- ☐ **Home Incarceration:** You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the Pretrial Services Office.
- ☒ **Curfew:** You are restricted to your residence every day from _____ or as directed by the Pretrial Services Office. *unless at places outlined above or in wife's custody.*
- ☐ The defendant shall have no unsupervised contact with minors.
- ☐ The defendant will not have any contact with victims or co-defendants

- ☐ The defendant may not visit commercial transportation establishments: airports, seaports, marinas, commercial bus terminals, train stations, etc. nor may he obtain any travel documents from these establishments.

☒ Other: Report to Southern District of New York when notified to do so.

☒ Other: No computer use, smart phones, No internet access

The Middle District of Florida consists of the following Florida counties: Baker, Bradford, Brevard, **Charlotte**, Citrus, Clay, Collier, Columbia, DeSoto, Duval, Flagler, Glades, Hamilton, Hardee, **Hendry**, Hernando, Hillsborough, Lake, Lee, Marion, Manatee, Nassau, Orange, Osceola, Pasco, Pinellas, Polk, Putnam, Sarasota, St. Johns, Seminole, Sumter, Suwannee, Union and Volusia. Counties in bold designate the Ft. Myers Division.

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release may result in an additional sentence to a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear may result in the forfeiture of any bond posted.

Unless the court orders otherwise, this agreement remains in effect during any appeal or other review until the defendant has satisfied all court notices, orders, and conditions.

Forfeiture.

If the defendant fails to obey all conditions of release, court notices, and orders to appear, the court will immediately order the property forfeited and on motion of the United States of America may order a judgment of forfeiture against the signing parties and their representatives, jointly and severally, including interest and costs.

ACKNOWLEDGMENT OF DEFENDANT

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above. *I swear under penalty of perjury that the above information is true and agree to the conditions of this agreement.*

X *Angelle Failla* wife

SHARON FAILLA

X *Sharon Failla*

Co-Signer *MOTHER - GERALDINE FAILLA*

X *Ralph Failla Jr.*

Third-Party Custodian Co-Signer *FATHER RALPH FAILLA*

X *[Signature]*

Signature of Defendant

We state that we have either read all court-ordered conditions of release imposed on the defendant or had them explained to us.

DIRECTIONS TO THE UNITED STATES MARSHAL

X

The defendant is **ORDERED** released after processing.

☐

The United States marshal is **ORDERED** to keep the defendant in custody until notified by the Clerk or Judicial Officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.



Dated: *1.29.14*

[Handwritten signature]

[Signature]

DOUGLAS N. FRAZIER
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

-vs-

Case No. 2: 14mj01014DNF

ROBERT FAIELLA

RELEASE BOND
AND
ORDER SETTING
CONDITIONS OF RELEASE

In order to reasonably assure the appearance of the defendant and the safety of other persons and the community, it is **ORDERED** that the release of the defendant is subject to this **BOND** and the **CONDITIONS** marked below. In the event of a failure to appear as required or to surrender as directed for service of any sentence imposed I/we jointly and severally agree to forfeit the following cash or other property to the United States of America if this defendant fails to appear as required for any court proceeding or for the service of any sentence imposed as may be noticed or ordered by any court, or fails to comply with any conditions of release set by the court considering this matter

☐

Unsecured Financial Conditions
(Signature Bond)

- The defendant and any sureties executes this bond, binding the defendant/sureties to pay the United States the sum of \$ 250,000

☒

Secured Financial Conditions
(Agreement to Forfeit Property)

10 Days to complete

(describe the cash or other property and any claim, lien, mortgage, or other encumbrance on it and attach):

Property in MA - Owned By Trustee, Ralph Faiella, Jr

I/We declare under penalty of perjury that I/we are the sole owners of this property and that it is not subject to any claim, lien, mortgage, or other encumbrance except as disclosed above. I/We promise not to sell, mortgage, or otherwise encumber the property, or do anything to reduce its value while this Agreement to Forfeit Property is in effect.

☒

Surety RALPH FAIELLA, JR

☒

Surety

IT IS ORDERED that the release of the defendant is subject to the following conditions and provisions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, Pretrial Services Office, defense counsel and the U.S. Attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall next appear in the United States Courthouse and Federal Building in the Courtroom directed upon notice.

ADDITIONAL CONDITIONS OF RELEASE

☒

Report as directed by the Pretrial Services Office.

☒

Obtain no passport/ Surrender any passport. Surrender by: _____

- ☐ Maintain or actively seek verifiable employment
- ☒ Refrain from possessing a firearm, destructive device, or other dangerous weapon.
- ☒ Refrain from the excessive consumption of alcoholic beverages.
- ☒ Refrain from any use or unlawful possession of a narcotic drug or other controlled substances in 21 U.S.C. § 802, unless with prior written approval of the Pretrial Services Officer or as may be lawfully prescribed in writing by a licensed medical practitioner.
- ☒ Refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring **if required as a condition of release.**
- ☒ Report as soon as possible, to the Pretrial Services Office any contact with law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- ☒ Abide by the following restrictions on personal association, place of abode, or travel: Defendant is restricted in travel to Lee County and to and from SDNY

The defendant may also visit his/her attorney if outside this area, after notification to the Pretrial Services Officer. Other travel must be approved by pretrial services. **ANY TRAVEL OUTSIDE THE AREA SET FORTH ABOVE MUST BE SUBMITTED BY WRITTEN NOTIFICATION TO AND APPROVAL BY THE PRETRIAL SERVICES OFFICER AT LEAST THREE (3) DAYS PRIOR TO THE DATE UPON WHICH TRAVEL IS TO COMMENCE.** A courtesy copy of this notification shall be submitted to the Assistant U.S. Attorney.
- ☐ Submit to a mental health evaluation and/or psychiatric evaluation for medication management purposes including mental health counseling as directed by pretrial services.
- ☐ Participate in a program of inpatient or outpatient substance abuse testing, education or treatment if deemed advisable by Pretrial Services and pay a percentage of the fee as determined by Pretrial Services.
- ☒ Submit to any method of testing required by the Pretrial Services Office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.
- ☒ participate in one of the following home confinement program components and abide by all the requirements of the program which may include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by Pretrial Services.
- ☐ Electronic Monitoring, Pretrial services to determine the use of a land line or cellular monitoring unit
- ☒ **Home Detention:** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the Pretrial Services Office. *Must be in wife's custody within 24 hours*
- ☐ **Home Incarceration:** You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the Pretrial Services Office.
- ☒ **Curfew:** You are restricted to your residence every day from _____ or as directed by the Pretrial Services Office. *unless at places outlined above or in wife's custody.*
- ☐ The defendant shall have no unsupervised contact with minors.
- ☐ The defendant will not have any contact with victims or co-defendants

- ☐ The defendant may not visit commercial transportation establishments: airports, seaports, marinas, commercial bus terminals, train stations, etc. nor may he obtain any travel documents from these establishments.

☒ Other: Report to Southern District of New York when notified to do so.

☒ Other: No computer use, smart phones, No internet Access

The Middle District of Florida consists of the following Florida counties: Baker, Bradford, Brevard, **Charlotte**, Citrus, Clay, Collier, Columbia, **DeSoto**, Duval, Flagler, **Glades**, Hamilton, Hardee, **Hendry**, Hernando, Hillsborough, Lake, Lee, Marion, Manatee, Nassau, Orange, Osceola, Pasco, Pinellas, Polk, Putnam, Sarasota, St. Johns, Seminole, Sumter, Suwannee, Union and Volusia. Counties in bold designate the Ft. Myers Division.

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release may result in an additional sentence to a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear may result in the forfeiture of any bond posted.

Unless the court orders otherwise, this agreement remains in effect during any appeal or other review until the defendant has satisfied all court notices, orders, and conditions.

Forfeiture.

If the defendant fails to obey all conditions of release, court notices, and orders to appear, the court will immediately order the property forfeited and on motion of the United States of America may order a judgment of forfeiture against the signing parties and their representatives, jointly and severally, including interest and costs.

Date: 1-23-14

UNITED STATES MAGISTRATE JUDGE

DOUGLAS N. FRAZIER

The United States marshal is ORDERED to keep the defendant in custody until notified by the Clerk or Judicial Officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

The defendant is ORDERED released after processing.

DIRECTIONS TO THE UNITED STATES MARSHAL

We state that we have either read all court-ordered conditions of release imposed on the defendant or had them explained to us.

Third-Party-Custodian COGNATE PARTNER K.M. JAMES

Co-Signer MURRAY - GERMALONE JAMES

Signature of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above. I swear under penalty of perjury that the above information is true and agree to the conditions of this agreement.

ACKNOWLEDGMENT OF DEFENDANT

BK 4818 PG 2472

MAIL TO
RETURN TO: GRANTEEWARRANTY DEEDI, **Ralph Faiella Jr.**, being married, of Haverhill, Massachusetts

for consideration paid

grant to **Ralph Faiella Jr, Trustee of the PADRE PIO REALTY TRUST**, under Declaration of Trust dated June 19, 2007, recorded at the Rockingham County Registry of Deeds in Book 4812 Page 124, which a mailing address of 128 Newton Road, Unit 38, Plaistow, New Hampshire

with warranty covenants

A certain condominium unit in Northland Court Condominium, located on Route 108, Plaistow, County of Rockingham, State of New Hampshire, said Condominium having been established pursuant to N.H. R.S.A. 356-B by a Declaration of Condominium dated September 21, 1987, and recorded in the Rockingham County Registry of Deeds at Book 2706, Page 236.

The Unit conveyed hereby is more particularly described as follows: Unit No. 38 as described in said Declaration and as shown on Site and Floor Plans entitled, "Northland Court Condominium", dated June 26, 1987, and recorded in the Rockingham County Registry of Deeds as Plan No. D-17049; together with the undivided interest in the Common Area appurtenant to said Unit, as defined and described in said Declaration, as said Declaration may be amended pursuant to its terms.

This conveyance is made subject to, and is granted together with the following:

1. The provisions, terms, conditions, restrictions, obligations, covenants and easements contained in said Declaration of Condominium and By-Laws;
2. The provisions of N.H. R.S.A. 356-B;
3. All rights of way, easements, covenants, conditions and restrictions of record; and
4. Unpaid real estate taxes for the current tax year.

Meaning and intending to describe and convey all my right, title and interest in those premises conveyed to me by Warranty Deed of Kimberley S. Doucette, dated July 2, 2007 and recorded with the Rockingham County Registry of Deeds in Book _____ Page _____

038769

2007 JUL -3 AM 11:00

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

BK 4812 PG 0124

DECLARATION OF TRUST OF PADRE PIO REALTY TRUST

DECLARATION OF TRUST, made this 18th of June, 2007 at 128 Newton road, Plaistow, Rockingham County, New Hampshire 03865, by Ralph Faiella Jr., of Plaistow, Rockingham County, New Hampshire referred to as Trustee.

WHEREAS, the Trustee, at the request of the Beneficiaries, is desirous of establishing a Trust, the purpose of which will be to hold the legal title to real estate in order to protect and conserve the same for the beneficiaries, but in no event shall the Trustee, acting as Trustee of this Trust, carry on the real estate business; and

WHEREAS, any real estate hereafter acquired by this Trust shall be referred through hereout as the Trust Premises.

NOW THEREFORE, the Trustee declares that he/she will hold the Trust Premises in Trust for the following purposes, and subject to the terms, conditions, powers, and agreements hereinafter set forth.

ARTICLE I

This Trust shall be designated and known as Padre Pio Realty Trust.

ARTICLE II

The entire beneficial interest of this Trust shall be vested in the beneficiaries listed in the Schedule of Beneficial Interests this day executed and filed with the Trustee, or in the revised Schedule of Beneficial Interest, if any, from time to time executed and filed with the Trustee.

The Trustee shall not be affected by any assignment or transfer of any beneficial interest until receipt by the Trustee of notice that such assignment or transfer has in fact been made and a revised Schedule of Beneficial Interests shall have been duly executed and filed with the Trustee. Any Trustee may, without impropriety, become a beneficiary hereunder and exercise all rights of a beneficiary with the same effect as through he/she were not a Trustee.

ARTICLE III

This Trust shall continue until terminated in the manner hereinafter provided in Article VI, or on the sale of the entire Trust Premises.

Upon the termination of this Trust, the Trust Premises shall be distributed to the beneficiaries, as tenants in common in proportion to their respected interests, free and discharged of all trusts but subject to any lease, mortgages, contracts, or encumbrances on the Trust Premises.

035227

2007 JUN 19 AM 10:03

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

ARTICLE IV

The purpose for which this Trust is formed and the functions to be carried on by the Trustee is to create a Trust for the purpose of holding the record legal title to the Trust Premises for the benefit of the beneficiaries. The Trust shall not engage in any functions other than the holding of record legal title to the Trust Premises.

Except as directed in writing by the beneficiaries, the Trustee shall have no power to deal in or with the Trust Premises. Upon such direction, the Trustee shall have full power and authority to borrow money, to sell, mortgage or otherwise dispose of all or any part of the Trust Premises, lease all or any part thereof by one or more leases for a term or terms which may extend beyond the date of any possible termination of the Trust, grant or acquire rights and easements and enter into agreements or arrangements with respect to the Trust Premises, and to do all other acts or things which an owner of real property can do; provided, however that the Trustee shall not be required to enter into any personal obligation or liability in dealing with the Trust Premises or make her or him liable for any damages, costs, expenses, fines or penalties. Any person dealing with the Trustee shall be fully protected in accordance with the provisions of Paragraph VIII hereof.

No license of Court shall be required as a condition to the validity of any transaction entered into by the Trustee. No purchases, transferee, mortgagee, or other lender shall be under any liability to see to the application of the purchase money or of any money loaned or delivered to any Trustee, or to see that the terms of this Trust have been complied with.

ARTICLE V

The beneficiaries of this Trust in their own right, shall have the control of the management and handling of the Trust Premises and the Trustee shall have no duty with respect to such management or handling or the collection of income, payment of taxes, insurance, litigation or otherwise, except on written direction, as hereinabove provided and after payment to the Trustee of all money necessary to carry out said instructions, the intention being that the Trustee is merely to hold legal title to the Trust Premises and protect and conserve the Trust Premises.

Article VI

A. This Trust may be amended by the Trustee upon written direction of the majority of the beneficiaries, but no such amendment shall, without the written consent of the Trustee hereunder, increase the liability or duties of the Trustee from that originally provided herein.

Any such amendment shall be effective upon the recording with Rockingham County Registry of Deeds, Brentwood, New Hampshire, of an instrument signed by the Trustee and acknowledge in the manner required for recording.

BK 4812 PG 0126

B, This Trust may be terminated at any time by a majority of the beneficiaries notifying the Trust in writing of their desire and intention to terminate this Trust and upon receipt of such notice by the Trustee this Trust shall terminate; provided, however, that as to any person contracting with the Trustee such termination shall only be effective at the time a notice of such termination is duly recorded in Rockingham County Registry of Deeds.

Article VII

A. In every written contract made by the Trustee, reference shall be made to this instrument, and any person contracting with the Trustee shall look to the Trust Premises and not to the Trustee individually, for payment of any debt, note, bond, debentures, mortgage, contract, judgment or decree or any other obligation or of any money on part of the Trustee to perform such contract in whole or in part, for any other cause.

B. No Trustee shall be liable for anything done or omitted by him/her in good faith and shall be answerable and accountable only for his or her own individual acts, receipts, neglects and defaults and not for those of any other Trustee, or of any person employed by him or her, nor of any bank, trust company, broker or other person with whom or into whose hands and monies or securities may be deposited or come, nor for any defect in title of any property acquired, nor for any loss unless it shall happen through his or her willful default, and he or she shall be entitled to indemnity out of the Trust assets against any liability incurred in the execution of the terms or provision hereof.

C. No person dealing with the Trustee as then appearing of record in Rockingham County Registry of Deeds, Brentwood, New Hampshire, shall be bound to inquire further as to the person or persons who is then the Trustee hereunder. The receipt of the Trustee (or any of them if there be more than one Trustee) for monies or things paid or delivered to him or her or them shall be effectual discharges to the persons paying or delivering the same, and no persons from whom the Trustee shall received any money, property or other credit shall be required to see to the application thereof. In the absence of writing authority to the contrary, all acts of the Trustee shall require the signature of then existing Trustee.

ARTICLE VIII

A certificate as to who is the Trustee or the beneficiaries hereunder, or as to the existence of any fact or facts which constitute conditions precedent to action by the Trustee, including, without limiting the generality of the forgoing, a certificate that the Trustee has received the requisite written direction from the beneficiaries, if such certificate is signed by any person who appears to be a Trustee hereunder from the records in the Rockingham County District Registry of Deeds, Brentwood, New Hampshire, shall be conclusive as to all matters contained in said certificate, and any person or corporation dealing with the Trustee or the Trust Premises may conclusively rely on such certificate.

BK 4812 PG 0127

ARTICLE IX

Any Trustee hereof may resign by written instrument signed and acknowledged by such Trustee and recorded at the Rockingham County District Registry of Deeds, Brentwood, New Hampshire.

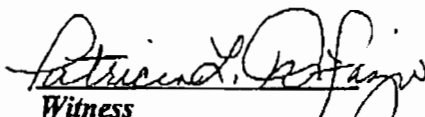
A. Any succeeding or additional Trustee may be appointed or any Trustee remove by an instrument in writing signed by the beneficiaries, provided in each case that such instrument, or a certificate by any Trustee naming the Trustee appointed or removed, and in case of any appointment the acceptance in writing of the Trustee appointed, be recorded in the Rockingham County District Registry of deeds.

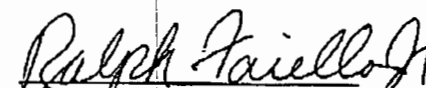
B. Upon appointment of any succeeding Trustee the title to the Trust Premises shall thereupon, and without necessity of any conveyance, be vested in said succeeding Trustee jointly with the remaining Trustee or Trustees. Any succeeding Trustee shall have all the rights and powers as if name as on original Trustee hereof. No Trustee shall be required to furnish bond.

C. Any change of Trustee hereunder shall not affect any person not having actual notice thereof until a certificate shall be conclusive evidence to all persons of any fact therein recited.

D. The term "Trustee" or "Trustees" when used in this instrument shall each include both singular and plural where the context so requires or permits.

IN WITNESS WHEREOF, the said Ralph Faiella Jr. has signed and sealed these presents in token of his acceptance of this Trust, on the day and year first above written.


Witness


Ralph Faiella Jr.

STATE OF NEW HAMPSHIRE

June 19, 2007

Then personally appeared the above named Ralph Faiella Jr. and acknowledge that the foregoing instrument to be his voluntary act and deed.

Before me,


Notary Public

PATRICIA L. DIFAZIO, Notary Public
My Commission Expires January 7, 2009